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|  |                        |                    |
|--|------------------------|--------------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number     | 09/393,473         |
|  | Filing Date            | Sept. 10, 1999     |
|  | First Named Inventor   | WAYNE COHEN        |
|  | Group Art Unit         | 2837               |
|  | Examiner Name          | Hsieh, S,          |
| Total Number of Pages in This Submission   | Attorney Docket Number | A32636-072708.0116 |

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| ENCLOSURES <i>(check all that apply)</i>  |  |  |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers <i>(for an Application)</i><br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i><br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> |
| Remarks <input checked="" type="checkbox"/>   |  | No fee is due with this Notice of Appeal, an Appeal fee was previously paid on August 8, 2001 with the first Notice of Appeal.   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | Baker Botts LLP<br>30 Rockefeller Plaza<br>New York, NY 10112 |
| Signature                                  | Att Name: James J. Maune<br>PTO Reg: 26,946                   |
| Date                                       | April 3, 2002   |

| CERTIFICATE OF MAILING  |                    |
|---|--------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>April 3, 2002</u> |                    |
| Typed or printed name   | James J. Maune     |
| Signature   | Date April 3, 2002 |



**BAKER BOTTS** LLP

Attorney Docket Number:

A32636-072708.0116

Title: MARACA WITH FLEXIBLE HANDLE

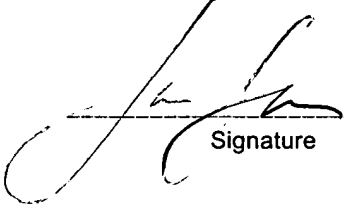
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|---|--|---|-------------------------|
| NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES   |  | Docket Number (Optional)<br>A32636-072708.0116  |                         |
|   |  | In re Application of<br>WAYNE COHEN   |                         |
|   |  | Application Number<br>09/393,473  | Filed<br>Sept. 10, 1999 |
|   |  | For MARACA WITH FLEXIBLE * see attached   |                         |
|   |  | Group Art Unit<br>2837  | Examiner<br>Hsieh, S.   |
| <p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, <u>January 7, 2002</u>, rejecting the following claims: <u>13 and 14</u></p>  |  |   |                         |
| <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ _____</p>   |  |   |                         |
| <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____</p>  |  |   |                         |
| <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p>   |  |   |                         |
| <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p>  |  |   |                         |
| <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p>   |  |   |                         |
| <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>02-4377</u>. I have enclosed a duplicate copy of this sheet.</p> |  |   |                         |
| <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p>  |  |   |                         |
| <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p>  |  |   |                         |
| <p>I am the</p>   |  |   |                         |
| <p><input type="checkbox"/> applicant/inventor.</p>   |  |   |                         |
| <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p>  |  |   |                         |
| <p><input checked="" type="checkbox"/> attorney or agent of record. PTO Reg No. 26,946</p>  |  |   |                         |
| <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a).<br/>Registration number if acting under 37 CFR 1.34(a): _____</p>  |  |   |                         |
|   |  | <p><br/>Signature</p> |                         |
|   |  | <p>James J. Maune<br/>Typed or printed name</p>   |                         |
|   |  | <p>April 3, 2002<br/>Date</p>   |                         |
| <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>                               |  |   |                         |
| <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>  |  |   |                         |

**BAKER BOTTS** LLP

Attorney Docket Number:

A32636-072708.0116

Title:



MARACA WITH FLEXIBLE HANDLE

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